

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LUIS DAVID PORTES DEL RIO,	:	
Petitioner,	:	Civ. No. 16-8721 (KM)
v.	:	
CHARLES GREEN,	:	MEMORANDUM AND ORDER
Respondent.	:	

Petitioner was previously an immigration detainee who was proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner was challenging his immigration detention in his habeas petition.

On April 4, 2017, I determined based on the record supplied to this Court that petitioner was a pre-removal immigration detainee who was entitled to a bond hearing pursuant to *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011) and *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 474 (3d Cir. 2015). I then ordered that a bond hearing take place before an Immigration Judge (“IJ”) within fourteen days.

On April 24, 2017, respondent submitted a letter to this Court indicating that prior to the April 4, 2017 Opinion and Order, petitioner had been granted voluntary departure by an IJ on March 28, 2017. Respondent further explains that petitioner returned to the Dominican Republic on April 18, 2017. Accordingly, respondent asserts that the habeas petition is moot in light of the grant of voluntary departure and petitioner’s return to the Dominican Republic. So that I can properly dispose of this letter, I will order the Clerk to reopen this case.

Respondent requests that this Court vacate the April 4, 2017 Order that granted the habeas petition and ordered that petitioner be granted a bond hearing. Obviously, in light of the

grant of voluntary departure and petitioner's subsequent departure to the Dominican Republic, this Court's order to conduct a bond hearing is no longer necessary. Petitioner has received the relief he sought as he is no longer in immigration detention pursuant to the grant of voluntary departure and his subsequent return to the Dominican Republic on April 18, 2017. Based on these developments and facts that occurred both prior to this Court's April 4, 2017 Opinion and Order (but not disclosed to the Court until after the Opinion and Order were entered) as well as petitioner's return to the Dominican Republic on April 18, 2017, the April 4, 2017 Opinion and Order will be vacated and the habeas petition will be denied as moot. *See Nunes v. Decker*, 480 F. App'x 173, 175 (3d Cir. 2012) (finding appeal moot where petitioner achieved the result he sought in habeas petition and change in circumstances forestalled any occasion for meaningful relief) (citations omitted).

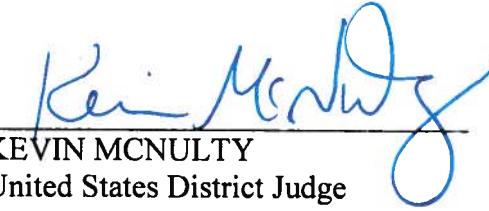
Accordingly, IT IS this 12th day of May, 2017,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that this Court's April 4, 2017 Opinion and Order (Dkt. Nos. 11 & 12) are vacated; and it is further

ORDERED that petitioner's petition for writ of habeas corpus is denied as moot in light of the IJ's grant of voluntary removal and petitioner's subsequent return to the Dominican Republic on April 18, 2017; and it is further

ORDERED that the Clerk shall reclose this case.



KEVIN MCNULTY
United States District Judge